WALTER DURYEA ACCUSED. "A CRIMINAL AND A LIBERTINE." SAYS LAWYER UNTERMYER.

Character of the Man With a Broken Neck Assalled in the Contest of His Father's Wil Hints of Rev lations to Come Lawyer Payne and the Letter That He Wrote.

MINEOLA, L. I., Dec. 20 - Walter E. Duryea, who broke his neck while diving in shallow water a year ago last summer, was accused being a "libertine, a criminal and a worthless fellow," by Lawyer Samuel Unter-L. I., before Surrogate Robert Sea-

and he asserted the contestants wanted plenty of time to prove their case.

The testator's own daughters have a he heard," said lawyer Untermyer 'and we are not going to be driven through with this case because the estate needs administration. Why hasn't a temporary administrator been appointed? This is the only case of the kind that I know of where a temporary administrator has not

been appointed. Surrogate Seabury explained that he had not appointed a temporary administrator because he didn't want to put an additional expense of \$8,000 or \$10,000 on the estate. It was his desire, however, to clear the case

It was his desire, however, to clear the case off as quickly as possible.

Mr. Untermyer called Lawver Edward Payne of Glen tove. On various occasions for more than tweety years Mr. Payne had acted as personal counsel to the testator. Within the last live years he drew three different wills for Mr. Duryea, including the one now being contested. He is one of the executors of the present will, and, the contestants assert, a beneficiary to some extent under its provisions. It appears that for years there has been a bitter feeling of hostility between Mr. Payne and one of Mr. Duryea's daughters, and the contestants assert that it was due to Mr. Payne's influence as much as to anything else that they were cut off with such a small allowance in their father's will. A letter was shown to Mr. Payne which he admitted he wrote. It was not read in court "pon't you know," thundered Mr. Untermyer, "that before the Court of Appeals in the Eldridge case a lawver was suspended from practising for three years for this very same thing?"

This question was overruled by the Surrogate.

"Do you consider this professional to send

Tate.
"Do you consider this professional to send a letter of this kind?" demanded Mr. Unter-

"I do," returned the witness.
"I say it is one of the most disreputable things on record," declared Mr. Untermyer. Objections were entered at this stage, and Mr. Untermyer declared that he was there to ascertain whether the will in dispute was due to the influence of Witness Payne and Woiter E. Duryea or whether it was the work of the testator. do," returned the witness.

whiter E. Duryea or whether it was the work of the testator.

"In your judgment," asked Mr. Untermyer, "do you consider it a professional thing to send such a letter as this to a witness." There were more objections, but Mr. Payne asserted that he considered he had acted in an entirely proper manner.

The executors of the will say the estate is not worth more than \$600,000. The contestants assert that it is worth \$3,000,000, if not more, and Witness Payne was interrogated regarding his knowledge of the value of the estate, but with little success. He didn't know the value of the estate and couldn't know the value of the estate and couldn't tell who did. He drew the will and knew of real estate held by the testator at the time of his death which could be roughly estimated at \$100,000. On Sept. 24, 1899, witness got power of attorney from Mr. Duryea, which he filed in the Broadway National Bank. Then by a lot of questioning it was ascertained that Mr. Payne had drawn a dozen checks or more at Mr. Duryea's direction, which amounted in all to between \$1,000 and \$1,200. When asked to identify the handwriting of a letter shown him he said it resembled the handwriting of Gen. Hiram Duryea, a brother of the testator.

"Did Mr. Duryea say he had given away a large part of personal estate before his death?" inquired Mr. Untermyer.

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"Did Mr. Duryea say he had given away a large part of personal estate before his death?" inquired Mr. Untermyer.

The witness said he didn't know of any transaction of that nature or that a large bulk of the estate had been conveyed to Walter E. Duryea before the testator's death. Mr. Payne testified that he never saw Duryea drunk in his life. He knew a drunken man when he saw one, but there was only one occasion that he could recall where the testator howed that he had been drinking to excess. He knew when Duryea had been drinking to excess. He knew when Duryea had been drinking to excess. Be knew when Duryea had been drinking care of himself and knowing exactly what he was not tully capable of taking care of himself and knowing exactly what he was so under the influence of liquor. The witness said he never saw Walter E. Duryea under the influence of liquor. The witness said he never saw Walter E. Duryea was a liver through the wast of the worst sort and a criminal we are going to brove it and can prove it now by his own letters and also that his father knew it. We shall show what the motive was in treating his daughters as they have been treated."

"I object to such statements being made in the presence of the press here," said Mr.

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"Carrere & Hastings, the architects of the

treated."
object to such statements being made object to such statements here," said Mr.

"I object to such statements being made in the presence of the press here," said Mr. Ho levman rather warmly. "We know what you are going to try to prove, but it cannot be done here. We know what you are going to try to do—extort money from this estate on the strength of such statements, but you will not get a cent."

"What do you mean, sir?" demanded Mr. Untermyer. "I just came into this case today." to-day.

"Probably if you knew more about it you would not have come in at all." said Mr. Honeyman. But Mr. Untermyer continued:

"Loose statements of that sort wont help your case. These clients of mine are not going to be buildozed in this way. The mastator knew his son was not fit to take care of this estate—a worthless fellow—and it was his influence that was exerted in the making of this will. This provision of \$100,000 is practically a disinheritance of the contestants.

oo is practically a distinctions of the contestants.

Mr. Payne testified that he did not know with the contestant of th

myer.

He has not been out of doors since he went
to Brooklyn," replied Mr. Honeyman.
An adjournment was then taken to Wednesday of next week.

Judge Leventritt of the Supreme Court has appointed George L. Slawson receiver of rents of the big apartment houses, the Barnard, at the southwest corner of Seventy first street and Central Park West, and the Pamlico, on Central Park West, 50 feet north Pamileo, on Central Park West, 50 feet north of Sixty-ninth street, in suits brought against Alonzo B Kight, the builder, by Henry Oppenheimer, to foreclose mortgages, the amounts of which are not stated, but which come after prior mortgages of \$180,000 and \$140,000, respectively. Mr. Kight recently finished building the Barnard, which he values at \$1,000,000, mortgaged for \$500,000. The rent roll when the building is full is said to be \$110,000 a year and the house is nearly all rented. The bond of the receiver for this house was fixed at \$25,000. The Pamileo was completed a year are and is valued at \$250,000.

inpleted a year ago and is valued at \$250,000, ortgaged for \$186,000. Neglect Alleged at Annapolis.

ANNAPOLIS, Md., Dec. 20.-J. A. McGregor, Starord county, to-day took the body of Private Marine Hobart Green, who died at the Naval Academy on Friday night. The body was disinterred and sent home for burial in a hermetically sealed coffin. Mr. McGregor said that he would report to the father of the young man that, from what he could learn, there was neglect on the part of the Naval Academy officers. An investigation will probably follow.

Pedlers Want Park Privileges Back.

A large delegation of pusheart pedler asked Park Commissioner Clausen yesterday to restore to them their former curbstone privileges about William II. Seward Park. The Commissioner reserved his decision, but it is believed that he will not grant the request, as he regards the property as a park and jot as a market.

POSTGRADUATE HOSPITAL. Student Hospitale Defended in the Annual

The report of the New York Post Graduate Hospital for the year ending Oct. 1 has just been issued. The report calls attention to the object of the bospital, which is stated to be, primarily like that of all hospitals, the care of the sick and injured, and on parallel lines with this, the teaching of practitioners, how they may better care for cases that they might meet with infrequently in their own home practices. The catalogue sets forth myer at the continuation yesterday of the attacks upon student hospitals in so far as contest of the will of his father, Edgar E. | those attacks include charges that patients Duryea, the starch manufacturer of Glen | in such hospitals are not treated with as much consideration as in hospitals where

Duryea, the starch manufacturer of them Cove, L. I., before Surrogate Robert Seabury of Nasau county. To young Duryea was bequeathed the bulk of his father's estate and his sisters, Mrs. Grace E. Sprigg, Mrs. Marcia V. D. Cox and Mrs. Eva A. Thelber! are contesting the will.

It was not until this morning that Lawyer Untermyer made his appearance in the case as associate counsel with Lawyer J. Campbell Thompson. He told the Surrogate that he did not wish to proceed until he had familiarized himself with the testimony already taken. Lawyer Honeyman interpose! an objection against further delay. In the course of the argument that followed Lawyer Untermyer characterized the will as a gross outrage and shamefully unjust, and he asserted the contestants wanted plenty of time to prove their case.

The testator's own daughters have a

limits the hospital to a per diem allowance for patients acceptable to the city authorities. The per diem allowance is too small and persons really deserving of free hospital care are sometimes rejected. The salary account of private hospitals has been, the report says, the subject of criticism. The report calls attention to the fact that there are 112 physicians and surgeons who serve the institutions absolutely without salaries. Attention is called to the great aid to the hospital which has been afforded by the Margaret Fahnestock Training School for Nurses, which has been completed since the last report.

Attention is also called to the hospital is at present dependent upon the courtesy of other hospitals for the use of ambulances and can then only obtain them after some delay and with some inconvenience. A friend of the hospital gave a sum of money for the purchase of an ambulance more than a year ago. The directors have decided that the best service is to be had from an automobile and ask for an additional gift from some one who wants to see the need filled at once.

The report outlines several ways in which the work of the hospital may be aided: First, by the support of beds either permanent or annual; second, by the subscriptions to the Century Fund, annual dues, \$100; fourth, by decoming a member of the Hospital Association, annual dues, \$100; fourth, by donations for general expenses or nursing.

TENEMENT HOUSE FIRE PERM Greatly Increased of Late-Fireproof Buildings Recommended.

The special report of a sub-committee of the Tenement House Commission on tenement house fires has just been issued by Hugh Bonner and Lawrence Veiller, the committee. They say that in eleven years, from Jan. 1, 1884, to Jan. 1, 1895, only 177 persons were killed in tenement house fires, while between Nov. 1, 1899, and Nov. 1, 1900, while between Nov. 1, 1899, and Nov. 1, 1909, forty-one persons have been silled. Forty-seven per cent. of the fires in the city occur in tenement houses, although the tenement houses are only 37 per cent of all buildings. The small narrow light shaft, serving as a flue, is a source of the greatest danger in buildings of this kind, and the construction of such shafts in tenement houses should be absolutely prohibited in the future. The committee recommend the construction of absolutely fireproof halls and staircases in all tenements erected hereafter. In conclusion they say:

all tenements erected hereafter. In conclusion they say:

"We believe that no tenement house should be erected in the future unless fireproof throughout. We appreciate, however, that such method of construction would increase the cost of such buildings, and that there are other evils in our tenement houses to be remedied more serious even than the danger from tire. If a choice must be made, it seems to us preferable that a few people should be burned to death each year than that thousands should be killed slowly by tuberculosis and other diseases caused by lack of proper light and air."

NEW JERSEY'S ARMY OF 4.115. Gen. Congdon Wants the Dead Wood Cleaned

Out -Doesn't Like Swallow-Tall Coats. TRENTON, N. J., Dec. 20.-In the annual report of Adjutant General Oliphant sub-

Carrere & Hastings, the architects of the new public library to be erected in Bryant Park, have constructed a plaster model of the bulding which will be placed on exhibithe bulding which will be piaced on exhibition in City Hall soon. The model is five feet long by four feet wide, and is on a scale of an eighth of an inch to a foot. Park Commissioner Clausen authorized the construction of the model.

Lady Meux of England has presented to the library a volume, No. 99, of an Lady Meux of England has presented to the library a volume, No. 98, of an edition of 300 printed for private circulation, being the first publication of the Ethiopic manuscripts Nos. 2-5 in the Lady Meux collection. The text is edited by Dr. E. A. Wallis Budge, keeper of the Egyptian and Assyrian antiquities in the British Museum, and it is fillustrated with 111 colored plates, the work of W. Griggs, color lithographer to the Queen.

Horoscope of Dead Burglar Johnson. When the police searched the effects of Henry Johnson, the negro who was shot and killed by a watchman on Monday night while robbing the store of Sajun & Taheram at 15 East Seventeenth street, they found a horoscope which had been east for the burglar which said: assured that you will live long and will "Be assured that you will live long and will enjoy a perfect fortune, so that you will be victorious in all, and will live to so years of age. Therefore do not let it go away from you. Play to the lottery 34, 66, 78. Then your fortune will be made."

The fortune teller went wide of the mark as Johnson was only 26 years old when he was killed and all he had was \$2.30.

Steamship Royalist in Port.

VANCOUVER, B. C., Dec. 20.-The steamship Royalist, for whose safety no great anxiety was felt owing to the extremely severe weather. arrived in port yesterday, thirty-three days from Japan and ten days overdue. Several days are she encountered a terrible gale which broke her steering gear. Hallfax, N. S., Dec. 20.—The British steamer Lindisfarne, Capt. Clark, from Cardiff, bound for Baitimore, put in this morning disabled. She encountered very heavy weather and her rudder head was carried away. She fell in with the steamer Storm King, from Baltimore for Antwerp, and was steered for some miles. A fresh hurricane sprang up, daring which the Storm King broke away and was not afterward seen. A jury rudder was rigged by the Lindisfarne. arrived in port yesterday, thirty-three days

CHADRUN, Neb., Dec. 20.-Three men were

uried under thirty feet of sand by a cave-in while digging an irrigation ditch near here yes eriday alternoon. Last night over a hundred workers shovelied with all their night in hope of rescuing them or recovering their bodies. Thomas C. Burns of Kansas City, a large property owner and one of the big flockmasters of Montana, was one of the men caught by the cave-in.

Assistant District Attorney McIntyre, behalf of the December panel of juror- in the Supreme Court, presented to Justice Fursman yesterday a silver ink tray and two silver ink wells.

LEWIS A. MAY & CO. FAIL.

BULL HOUSE, BULLMARKET, CRED-ITORS THE CUSTOMERS. Liabilities Said to Be 678.000, and Customers Said to Have Withdrawn \$230,000 Since

the Concern's Ticker Was Taken Away. Lewis A May & Co. stock brokers at 31 Broadway, with branch offices uptown and in five other cities, made an assignment vesterday to William King Hall, a lawyer of 7 Nassau street. The concern is composed of Lewis A May, who has been a member of the Consolidated Exchange since Aug. 12. 1808, and Eugene F. Enslen, cashier, it is said,

The tickers were removed on the evening of Nov. 30. At the same time the tickers were taken out of the offices of C. W. Morgan & Co., since raided by the police and now in the hands of an assignee.

Assignee Hall said that the assignment papers had been sixued by May only. "I am not able yet to tell what the liabilities or assets will amount to." said Mr. Hall, "but from what I hear I don't think the liabilities will exceed \$60,000 to \$75,000. I believe they represent, chiefly the claims of customers. There are assets, but I don't know yet what is their value.

The concern's branch offices are at the southwest corner of Twenty-eighth street and Broadway, this city; 196 Market street Newark: 16 State street, Boston, Courant Building, Hartford: 215 Banigan Building, Providence, and 408 Betz Building, Philadelphia. It formerly had a "ladies' department" at 31 Broadway but this was removed to its uptown office. Besides its Consolidated Exchange membership the firm holds a membership on the New York Produce Exchange, Its last "market letter" dated Dec 12 was extremely bullish winding up with advice to buy Reading first preferred. Bey Reading first preferred has not gone to

Reading first preferred has not gone to so, but it has advanced like most other stocks in the big bull market. The comment was made in Wall Street yesterday that it was curious that a bullish brokerage concern advertising that it did only a commission business should have been forced to assign business should have been forced to assign while a built market was in progress.

Abo t one thousand shares of various stocks, representing about twenty issues in all, were dealt in under the rule on the Consolidated Exchange for account of the failed concern. The contracts represented were on both sides of the account. It was reported on the Exchange that May had told a friend of his yesterday that since the Stock Exchange had caused the quotation tickers to be taken out, his concern had paid out to customers who dimanded their accounts more than \$230,000. May lives in Harlem at 122 Manhattan avenue.

INDIANAPOLIS GAS WAR.

Company Unwilling to Put in Meters Unless Consumers Pay for Them.

INDIANAPOLIS, Dec. 20.-The statement by E. C. Benedict that the gas controversy in this city could be settled if the people would put in meters, thus intimating that gas would be saved and the stealing stopped, was received here with a good deal of surprise, as the company has repeatedly refused to put in meters when consumers demanded them.

pany was doing its utmost to relieve the congestion on the Lexington avenue elevated line, but that the limitations of the trip were to a large degree responsible. In a few cases, when threats were made of enforcing the ordinance requiring the company to put them in on demand of consumers, meters have been supplied reluctantly, but where no such threats are resorted to and the applicant does not appear to know his rights the request is refused. Former Judge

rights the request is refused. Former Judge 1 Norton had to write a formal letter, citing the law and threatening enforcement, before the meter was supplied.

In order to test the matter thoroughly, several citizens called at the company's office to-day and asked that meters be placed in their houses. The demand was refused at first and when they insisted they were told that they would have to pay \$14 for each meter. They showed the ordinance and were then told that the commany would charge them for nutting the meters in their An officer of the company said it bankrupt the company to furnish Under the ordinance the meter meters. Under the ordinance the meter rate, fixed ten years ago, is ten cents for 1,000 feet.

COLONIAL CIVIL SERVICE.

Reform Association Pleased With the Action of the Administration.

The National Civil Service Reform Association gave out for publication yesterday the report submitted by a special committee composed of Charles J. Bonaparte Richard | 100 a day. Henry Dana and William Dudley Foulke on civil service reform in dependencies. The report declares that the committee is much gratified to report that the national Administration recognized the necessity of extending the civil service regulations to the Philippines and Porto Rico, and showed desire to appoint men to office for merit and continue them in during good behavior Of the c vil service programme of the Philippine commission the report says:

"We have further to note with satisfaction the course of the Philippine Commission, by which, if it be persevered in the merit system will be established in the islands of that archipelage at least as thoroughly and consistently as in any department of government, Federal, State or Municipal, in the Union. This must be in any case regarded as a gratifying recognition of sound principles of administration on the part of the commission and justifies the hope that, within the limits of their jurisdiction at least, no repetition of the scandals of post-bellum days will be tolerated."

In the resolutions which it adopted the league denounces the Civil Service Commission for refusing to allow the officers of the league to have access to its records and declares that it is not in favor of a civil service pension system.

BURNED TO DEATH IN HER HOME. Fate of a Woman of 92, Whose Two Husbands Met Death by Suicide

Burrato, Dec. 20 .- After surviving two husbands who met violent deaths by suicide. Mrs. Lena Bingenheimer, 92 years old, who has lived for fifty years in a cottage on the to death in her home. Her charred body was permitted to lie exposed to the gaze of people passing in the road for several days. Yesterday the Coroner was informed and had the remains buried. A legond of Eden Center is that Mrs. Bingenheimer was of noble German pacentage and came to this country when a beautiful young girl to escape marriage to a man whom she detested and her parents favored. Her first husband blew off the top of his head with a shotzum, which he loaded and then filled with water. The second husband shot hirself through the heart. The woman is known to have had a large sum of money deposited in a Buffalo bank, although she had ived in poverty. to death in her home. Her charred body

Augusta, Me., Dec. 20 -From Bath to this city preparations are being made to harvest the Kennebec River ice crop. Though none of the ice has been cut yet the scrapers none of the ice has been cut yet the scrapers have been in use all this week clearing the snow from the frozen surface in order that the ice may gain a few more inches in thickness before the ploughs divide it up into squares. The ice ranges in thickness from seven so ten inches, and if the present cold snap continues it is only a matter of a few days before the harvesting commences, it is doubtful if there has ever been a better freeze along the Kennebec. The ice is as clear as crystal.

Ran Off to Virginia to Be Married. BALTIMORE, Dec. 20.-Mr. Harry Shirk (eil, dr , of Baltimore and Miss Lucile Duval Milliken of Laurel, Md., were married at Ministen of Laurel, Md., were tharried at Alexandria, Va., last Saturday evening. They left Baltimore on Saturday afternoon, and by 8 o'clock had been to Alexandria, married and had registered at the Raieighim Washington. They returned to Baltimore yesterday, and to-day took up their abode with the bride-groom's parents at 1303 North Charles excess.

AFTER SCHOOL BOARD NOW. erchants' Association Criticises Expenditu

in Manhattan. The report to the board of directors of the Merchants' Association on an analysis of the expenses of the school system of the city of New York has just been published. The report is by Frederick B. De Berard. who has spent much time in comparing the cost of the maintenance of the schools in Manhattan and in Brooklyn. His first conclusion was that the Board of Education submits reports that are more faulty than those of most of the other city departments, of the Consolidated Exchange since Aug. 12, 1808, and Eugene F. Enslen, cashier, it is said, of the Jefferson County Savings Bank of Birmingham, Ala. The concern had big offices in Broadway, from which the Gold and Stock Company's tickers were removed recently by order of the Stock Exchange. In the big customers' room just before noon yesterday were a crowd of customers when Assignee Hall appeared and made the public announcement that the concern had failed. The failure had been precipitated, he said, by the withdrawal of the tickers. This had burit is business and caused customers to take away their accounts, so that the concern had been forced to assign.

The customers were generally inclined to take matters philosophically, but some of them wanted to know why it was that orders had continued to be received from customers during the morning, although the assignment was impending.

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Assignee Hall said that the liabilities and that the borough of the services called for. He says that he has personally inspected largely in excess of the market values of the articles and of the services called for. He says that he has personally inspected largely in excess of the market values of the articles and of the services called for. He says that he has personally inspected largely in excess of the market values of the articles and o in that it is harder to get from those reports any accurate idea of the actual needs of the

BROOKLYN COMPLAINS OF B. R. T. Besidents Say There Is Poor Service on Lexing-

ton Elevated and Gates Surface Lines. Residents of the Twenty-third ward, Brooklyn, had an opportunity of airing their grievances against the Brooklyn Rapid Transit Company's services on the Lexington avenue elevated railroad and the Greene and Gates avenue surface line yesterday. The State Railroad Commissioners heard the complaints in the Borough Hall.

Ralph Ward Kenyon said the Greene and Gates avenue c rs were crowded at all times and that long distance passengers were forced to transfer on Gates avenue between Throop and Sumner avenues; that there was no shelter for the lassengers who frequently had to wait ten and fifteen minutes for a car to carry them to their homes. Mr. Kenyon also said that the cars were not properly heated.

also said that the cars were not properly heated.

Samuel Campbell, Henry B. Schmidt, Alderman William Wentz, Councilman Adam H. Leach and Dr. Abraham S. Brinkerhorff corroborated Mr. Kenyon's statement.

President Ressiter of the Brooklyn Rapid Transit Company in reply said: "The Gates avenue line is one of our most important and best paying lines, and we are constantly making improvements and have been for the last three years. There are more cars, better cars and cars at a better regularity and rate of speed than ever before. In regard to the transfer station near Tompkins avenue, we were forced by the taxpayers to remove our side track at Broadway, Within the last three days I have obtained the right from a Gates avenue property owner to run in a side track at Broadway and within a very short time the transfers will go back to Broadway. Instructions for this change have already been given.

President Ressiter also said that the company was doing its utinost to relieve the conception on the Lexington avenue elevated

WAR ON PANAMA RAILROAD. Pacific Mail Starts Out to Kill the New Steamship Line.

SAN FRANCISCO, Cal., Dec. 20 .- The Pacific Mail Company is preparing to make a sharp warfare on the Panama Railroad's new steamship line between 'Frisco and Panama. It will send the steamers San Blas, San Juan, San José and City of Panama to Central American ports and there take all the coffee they can. It was formerly the practice to pring this coffee to Panama and there unload for the Panama road. The Panama road, with its steamer connections, had the handling of the entire Central American crop which went east. This business is enormous which went east. This business is enormous and it rut the read on a paying basis.

This is all to be changed now. Pacific Mail steamers will pick up coffee at various ports and t ke it direct to Guaymas. This port is on the Sonora line, which is one of the oranches of the Southern Pacific. Thence it will be sent east by the Sunset route. Experts declare that the Panama road is losing money in the ships it has chartered. St. perts declare that the Fahama road is losing money in the ships it has chartered. St. Paul's charter was \$350 a day and slipping men say she has not freight capacity enough to make money. Some say the loss to the Pahama road by these charters has been

EAST SIDE BOLD ROBBER NARB D. Capt. Titus's Men Get After the Gang That II

Reen Holding Up Jewellers. John E. Murphy of 143 Allen street, a veteran crook, who is believed to have been the prime mover in the recent hold-ups in lewelry stores on the East Side, was arrested on the Bowery on Wednesday night by Central Office detectives Yesterday he was identified by Mrs. Isadore Zagen of 60% Delancey by Mrs. Isadore Zagen of 60% Delancey street, as one of two men who entered her hashand's lewelry store while she was in charge of it on Tuesday last. Murphy, she said, choked her while the other nan raised in all the loose levelry in sight. Two silver watches which were found on Murphy, were identified as stolen from Julius Risner's store at 50 Second avenue last Friday. Murphy has served two terms in Sing Sing for burglary and one in the New Jersey State penitentiary. His capture is the first important place of work done by the Central Office men since Capt. Titus was made their chief.

RULED OUT A NOMINAL RENTAL. Chicago Judge Says 815 a Year Isn't Enough for a \$55.000 Property.

CHICAGO, Dec. 20 .- Judge Adams of the Appellate Court issued an injunction today restraining the Cook County Brick Company from taking possession of the property of the Labahn Brick Company, valued at of the Labahn Brick Company, valued at \$55,000, on a lease for \$15 a year. He declared that no ane person would think of giving a lease on property worth \$55,000 for \$15 a year, and that it was evident that some secret agreement between the parties other than the lease must have existed, and therefore the contract was illegal.

"On the hypothesis that the members of the board of directors are sane," he said. "It is absurd to suppose that the lease was in good faith."

The Weather. The low pressure which was central in Louisians has moved eastward with increasing energy, and was central yesterday over Alabama, accompanied by rain in the east Gulf and south Atlantic States and in Tennessee and Arkansas. A high pressure is following close on the heels of this disturbance. being central yesterday in northern Texas. The sure from Texas northeastward to southern Illinois from 2 to 10 degrees. Rises have been reported from the New England States, northern New York and the south Atlantic States. Rain has been reported from Washington, Oregon and California. In this city the day was fair and warmer; average humidity, 62 per cent.; wind, west; average velocity, fifteen miles an hour; barometer, corrected to read to sea level, at 8 A. M., 30.32; 5 P. M. 30.34.

The temperature as recorded by the official thermometer, and also by THE SUN's thermometer at th street level, is shown in the annexed table:

WASHINGTON PORECAST FOR TO-DAY AND TO-For the District of Columbia, Delaware, Maryland eastern Pennsylvania, New Jersey, eastern New York and New England, generally tair to-day and to-morrow; light to fresh north winds.

For western New York, generally fair to-day and to-morrow: fresh west to south winds. For western Pennsylvania and Ohio, fair to-day and to-morrow; variable winds becoming fresh south.

CHILDREN'S COURT AT WORK

SPECIAL SESSIONS PUTTING YOUNG OF-PENDERS ON PROBATION.

They Will Report Weekly to the Tombe Schoolmaster and the Court Will Deal With Them According to His Report on Their Behavior The cases of three youthful offenders were disposed of yesterday in the Court of Special Sessions in accordance with a plan ormally put in operation for the first time on Monday last. Samuel Styre, aged 17. charged with receiving stolen goods; William Altscheiller, 16, and John Williams, 20, both charged with larceny, were released on parole in custody of David Willard, teacher of the school maintained by the Public Education Association for boy prisoners in the Tombs. The boys were ordered by the court to report once a week to Mr. Willard, and to reappear in court on Jan. 24. If they have done well up to that date sentence in their respective cases may be indefinitely sus-pended. Meanwhile it is only conditionally deferred. The case of Louis Benson, notification of which Mr. Willard had failed to receive, was postponed until Monday next in order that he might ascertain whether t was desirable to parole the prisoner.

The adoption of this plan of parole, or probation, is the outcome of nearly two years experince in discharging youthful offenders against the law in the custody of Mr. Willard, or in that of their parents on the strength of Mr. Willard's report as to their previous good reputation, the ability of their parents to look after them, or any extenuating circumstances in connection with their offences. This has worked so well that the Judges decided to continue it with the addition of the parole feature, and to authorize Mr. Willard to not as a probation officer. He will be notified of such cases as the court thinks may be suitable for probation, and will be requested to look them up and report on them to the court. Monday will probably be the regular day for these cases. The third Thursday of each month will be "probation day," when the boys on probation will appear. After hearing the report of Mr. Willard in each case, the boys will either be continued on probation, released under suspended sentence or sentenced, as the court may decide. or in that of their parents on the strength

be continued on probation, reseased that suspended sentence or sentenced, as the court may decide.

Of the system Justice Jerome said yesterday: "Although new in its application to cases of this class and in the feature of having a probation officer, the principle is as old as the Chancery idea, which makes minors without parents or with parents unable to care for them the wards of the court. It is a modification of the common practice of releasing an accused person on his own recognizance. The probation idea is the leading feature of all juvenile courts.

"There is no need of making provision in the Revised Charter for a Juvenile Court, as a statute enacted several years ago provides for the establishment of such a court at the discretion of the city Magistrates, and without any new legislation whatever, and without stretching in the least the meaning of the present statutes we have practically established such a court.

"The system adopted by my associates and myself is based on an experience with youthful delinquents in this city and is adapted to local conditions, which the Charter Revision Committee has not taken into account in drawing up their provisions for a children's court."

EVANGELIST SANKEY HERE. Eager to See His Grandchild, Recently Born in

Brooklyn. Ira B. Sankey, the evangelist and hymn singer, with his wife, was a passenger by the Kalser Wilhelm der Grosse, which arrived yesterday from Bremen, Southampton and Cherbourg. He said he had been four months travelling, lecturing and singing in England Ireland and Scotland. One of his objects in returning here is to see his first grandchild. Frances Hope Sankey, who was born in Brooklyn recently. He said that religion had changed in England since his last visit to that country. He had observed that there was less theology and more belief in and admiration of Christ among the people than there ever had been. While Mr. Sankey is here he will spend most of his time in completing his autobiography and writing a history of hymns that he has sung. travelling, lecturing and singing in England

Proposed Combine of Dry Color Makers. There was a meeting of dry color manufacturers at the Waldorf-Astoria vesterday at which George S. Mephin of G. S. Mephin Conners of the American Seal Company, and Conners of the American Scal Company, and Henry C. Stewart of the S. P. Wetherill Com-pany were appointed a committee to appraise such plants as may be offered for a con-solidation. It is expected that this com-mittee will report by the fifteenth of next month. The new corporation will probably be capitalized at about \$3,500,000.

No Inaugural Ball in Illinois. CHICAGO, Dec. 20 -Governor-elect and Mrs. Richard Yates have signified their desire that there be no inauguration ball this year. Governor e e t Yates is a strict observer of the written and unwritten law of the Methodist written and unwritten law of the Methodist Episcopal Church. Almost immediately after the adjournment of the Peoria Republi-can Convention, Judge Yates came to Chicago as a delegate to the General Methodist Con-ference, and it was then stated that be would pattern his campaign and administration after Bible tenets.

Mound Builders' Fort in Northern Ohio GENEVA, Ohio. Dec. 20.-A fort built by mound builders has been discovered at Wayne, Ashtabula county. The embankments are well defined, being about four feet high. They are wide enough for four per on walk abreast comfortably. This is the far-thest north of any of the earthworks erected by the Ohlo ancients being only a dozen miles from the lake shore and less than six miles from the corduroy log road found during the recent excavations at Amboy.

NEW ORLEANS, La., Dec. 20. - When the of corn which arrived at Stuyyesant docks in this city this morning they found the body of a dead negro in the grain. The man was well dressed and evidently hal been well-to-do. He had been murdered and robbed outside the car, probably in the suburbs of the city. The car had been broken open by the robbers and the dead body thrown in it. The negro had been dead only a few

Receiver for Assets of Order of Chosen Friends On the application of Emanuel Popper who has an unpaid death claim of \$1,000 against the Order of Chosen Friends Justice Leventrit of the Supreme Court, yesterday appointed Jacques H. Herts temporary receiver of the concern assets in this State. His bond in fixed at \$50,000 and all moneys are to be de-posited with the Knickerbocker Safe De-

Gift of the Old Guard to Their New Haven Hosts NEW HAVEN, Conn., Dec. 20 .- The Old Guard of New York who were the guests of the Second Company, Governor's Footguards of this city recently, have just presented the latter company with a handsome testimonial. It is a bronze statue of a soldier on duty with hand to cap and gun in hand. The statue was im-ported and stands 5 feet, 6 inches high.

New Building for Yale Medical Men NEW HAVEN, Conn., Dec. 20 .- Yale medical students, according to a decision of the direc-tors of the New Haven Hospital this evening, will have a new \$10,000 building in the near future in which to take their lectures. It will be built on the hospital grounds.

Doctors say that, out of 100 average people, about 25 are more or less tubercular. No very serious harm to half; but the other half half-live for a while, and die of consumption.

Scott's emulsion of cod-liver oil saves many and would save most, but not all.

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POUGHKEEPSIE MAN BUNCOED. He Turns \$5,000 in Bonds Over to Two Sharps and They Disappear.

POUGHKEEPSIE, Dec. 20 .- Several weeks ago two swindlers from New York came to Poughkeepsie and hired rooms in an office building. In some way they succeeded in interesting Mr. Alson Ward, a wealthy resident, in a proposition which they made and induced him to visit them at their place of business. Mr. Ward is reluctant to speak of what occurred, but a morning paper says that he turned over to the sharpers \$5,500 in Western securities and they slipped away with the bonds in their possession, making a plausible excuse, and that Mr. Ward sat alone in the office for some time before he realized that he had been duped. Mr. Ward for a number of years was secretary of the Poughkeepsle Savings Bank.

PRESIDENT OF COLBY RESIGNS. Dr. Butler to Go Back to the University of Chicago to Teach.

WATERVILLE, Me., Dec. 20.-The Rev. Dr. Nathaniel Butler, President of Colby College, to-day sent to the board of trustees his resignation to take effect on June 30 next. He is to accept a chair in the faculty of Chicago & Klein, C. K. Williams, Jr., of C. K. Williams University. He will be the second to go & Co., J. M. Wells of Wells & Hall, William from the Colby presidency to the Chicago institution. Dr. Butler is 47 years old, was a graduate of Colby, class of 1873. After his graduation from college he became assistant principal of Ferry Hall Female College, Lake Forest, Ill. From 1876 till 1884 he wi cipal of Highland College for Women at Highcipal of Highland College for women at high-land Park. Ill.. and in the latter year was chosen professor of rhetoric and English lit-erature in the old University of Chicago He afterward taught Latin and English litera-ture in the University of Illinois and from 1892 till 1896 was associate professor of Eng-lish literature in the present University of Chicago. In 1896 he accepted the presidency of Colby College, which he had twice before declined. The college has flourished under his guidance.

Hid \$120 in Gold and \$110 in Bank Notes in Her Bustle.

NEWBURGH, Dec. 20.-Mrs. Betsey C. Kilmer died in Oneonta some time ago and was buried In Prospect Hill Cemetery. A few days after her death in making an investigation of the apartments she occupied an oldfashioned bustle was found hanging on a fashioned bustle was found hanging on a nail in her room. When is was toseed to the floor it was found that something weighty was in it by the noise it made, and when ripped open it was discovered that Mrs. Kilmer had sewed up in the article four fives, two tens and four twenty-dollar gold pieces and \$110 in bank notes. Had the article not made the noise in falling on the floor it would have been thrown on the ash pile.

Arguments for Stain and Cromwell Ended. AUGUSTA, Me., Dec. 20 .- Arguments were made to-day before Gov. Powers and his executive council on the petition for the pardon of David L. Stain and Oliver Cromwell, who are serving a life sentence at the Maine State prison at Thomaston, for the murder of Cashier Barron of the Dexter Savings Bank on Feb. 22, 1878. William H. Drury, a Boston lawyer, who appeared as a citizen of Massachusetts and an individual petitioner, and Lewis A. Barker, whose father defended Stain at the trial and who takes the case as a heritage, argued for a pardon. A decision will be rendered at the next meeting of the council, Dec. 31.

Was Capt. Monsell Murdered?

PATCHOGUE, L. I., Dec. 20 .- Several of the societies of which Edward Monsell, formerly captain of the life saving corps was a member, are anxious to have a more thorough investigation made as to how he met his death. His body was foundlin the Patchogue River His body was found in the Patchogue River last Sunday morning by Leonard Tappen and Charles Zimmerman, who said they were spearing for eels in the vicinity. Tappen said that he saw a man's hat in the water and he threw a stone at it. The hat floated off and the top of a man's head was visible. A Coroner's inquest resulted in a verdict that Monsell had net his death by accidental drowning, but an autopsy showed that there was no water in the lungs.

The Uniformed Officers' Association of the Department of Street Cleaning gave a complimentary smoker and vaudeville show Street Cleaning Commissioner Nagle at

Street Cleaners Entertain Nagle.

Mænnerchor Hall last night. Before the Mænnerchor Hall last night. Before the smoker, General Superintendent Robbins presented Mr. Nagle with a sword on behalf of the association, in recognition of his appointment as Battalion Quartermaster, white the rank of Lieutenant, in the Sixty-ninth Regiment. The scabbard of the sword is gold and the handle is mother of pearl. Col. E. F. Duffy and Lieut. George Lyons of the Sixty-ninth Regiment were guests at the smoker.

Raising Funds for Princeton's Gymnasium PRINCETON, N. J., Dec. 20 .- The committee of alumni appointed to raise funds for the erection of a new university gymnasium to cost about \$200,000 held a meeting recently and took definite action on devising means of and took definite action on devising means of obtaining large subscriptions from the alumni and friends of the university. An announcement was made that several handsome gifts had already been received but the names and amounts were withheld. Plans for the gymnasium have been drawn. Prof. William Libber, Secretary of the committee, said yesterday:

"The gymnasium will be one of the finest in the East. We expect it will be built on the south campus near the Brokaw building." SPECIAL SATURDAY Handsome Cologne Bottles. DEPOSIT AND SILVER.

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OPEN EVENINGS UNTIL CHRISTMAS

Court Calendars This Day.

ALBANY, Dec. 20. - Court of Appeals calendar r Friday, Dec. 21.-Nos. 823, 824, 837, 751, and 840

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